Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Text

PAGE 01 STATE 119186

70
ORIGIN SCI-06

INFO OCT-01 EUR-25 ADP-00 ACDA-19 CIAE-00 DODE-00 PM-07

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R 191938 Z JUN 73
FM SECSTATE WASHDC
TO AMEMBASSY BERN
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY THE HAGUE

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E. O. 11652 N/ A
TAGS: TSPA, XG
SUBJ: POST APOLLO SPACELAB NEGOTIATIONS

1. THE FOLLOWING IS THE TEXT OF THE US AIDE MEMOIRE WHICH WAS PRESENTED TO THE CHARGE OF THE GERMAN EMBASSY IN WASHINGTON ON JUNE 12, 1973. THIS DOCUMENT WAS IN ANSWER TO AN AIDE MEMOIRE PRESENTED ON BEHALF OF THE EUROPEAN COUNTRIES BY THE GERMAN AMBASSADOR ON JUNE 5, WHICH MADE RECOMMENDATIONS ON SEVEN ELEMENTS OF THE PROPOSED AGREEMENT.
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PAGE 02 STATE 119186

2. QUOTE THE DEPARTMENT OF STATE REFERS TO THE AIDE-MEMOIRE FROM THE FEDERAL REPUBLIC OF GERMANY ON BEHALF OF THE EUROPEAN GOVERNMENTS CONCERNING AN AGREEMENT FOR A COOPERATIVE PROGRAM FOR THE DEVELOPMENT, PROCUREMENT AND

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

USE OF AN SPACE LABORATORY IN CONJUNCTION WITH THE SPACE SHUTTLE SYSTEM. IN THE INTERESTS OF CONCLUDING THE AGREEMENT AS EXPEDITIOUSLY AS POSSIBLE THE GOVERNMENT OF THE UNITED STATES OF AMERICA HAS SOUGHT TO ACCOMMODATE THE EUROPEAN CONCERNS THROUGH THE FOLLOWING AMENDMENTS TO THE TEXT DEVELOPED AT THE MAY 3-4 MEETINGS:

1. AVAILABILITY OF SPACE SHUTTLES FOR EUROPEAN SL MISSIONS:

THIS GOVERNMENT ACCEPTS THE EUROPEAN SUGGESTION. ARTICLE 7 A WOULD NOW READ: QUOTE THE GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL, CONSISTENT WITH INTERNATIONAL AGREEMENTS AND ARRANGEMENTS, MAKE THE SPACE SHUTTLE AVAILABLE FOR SL MISSIONS OF THE EUROPEAN PARTNERS AND THEIR NATIONALS ON EITHER A COOPERATIVE OR COST- REIMBURSABLE BASIS. UNQUOTE

2. DURATION:

THE UNITED STATES GOVERNMENT ACCEPTS THE EUROPEAN SUGGESTION. ARTICLE 16 WOULD NOW READ: QUOTE THIS AGREEMENT SHALL REMAIN IN FORCE UNTIL JANUARY 1, 1985, BUT AT LEAST FOR FIVE YEARS FROM THE DATE OF THE FIRST FLIGHT OF THE SL. THIS AGREEMENT SHALL BE EXTENDED FOR THREE YEARS UNLESS EITHER THE GOVERNMENT OF THE UNITED STATES OF AMERICA OR THE EUROPEAN PARTNERS GIVE NOTICE OF TERMINATION PRIOR TO THE EXPIRATION OF THE FIVE YEARS. THEREAFTER, THE AGREEMENT SHALL BE EXTENDED FOR SUCH FURTHER PERIODS AS THE PARTIES MAY AGREE. UNQUOTE

3. US COMMITMENT TO PURCHASE EUROPEAN SLS:

THIS GOVERNMENT ACCEPTS THE EUROPEAN SUGGESTION: ARTICLE 5 SUBPARAGRAPHS (3) AND (4) WOULD NOW READ: QUOTE (3) TO PROCURE ONLY FROM THE EUROPEAN PARTNERS

SUCH ADDITIONAL SLS, COMPONENTS AND SPARES AS SUBSTANTIALLY DUPLICATE THE DESIGN AND CAPABILITIES OF THE FIRST SL, AS ARE NEEDED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA, INCLUDING NEEDS ARISING FROM ITS INTERNATIONAL PROGRAMS, AND AS ARE AVAILABLE IN ACCORDANCE WITH AGREED SCHEDULES AND AT REASONABLE PRICES;
(4) TO REFRAIN FROM SEPARATE AND INDEPENDENT DEVELOPMENT OF ANY SL SUBSTANTIALLY DUPLICATING THE DESIGN AND CAPABILITIES OF THE FIRST SL UNLESS THE EUROPEAN PARTNERS FAIL TO PRODUCE SUCH SLS, COMPONENTS AND SPARES IN ACCORDANCE WITH AGREED SPECIFICATIONS AND SCHEDULES AND AT REASONABLE PRICES. UNQUOTE

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

4. CONTINUATION OF COOPERATION:

THIS GOVERNMENT ACCEPTS THE EUROPEAN SUGGESTION: ARTICLE 5 (6) WOULD NOW READ: QUOTE (6) TO KEEP THE EUROPEAN PARTNERS INFORMED OF ITS PLANS FOR FUTURE USE OF THE SPACE SHUTTLE SYSTEM, AND, IN PARTICULAR, OF FUTURE CONCEPTS WHICH MAY LEAD TO MODIFICATIONS OF THE PRESENT SL CONCEPT, WITH A VIEW TO EXPANDING AND EXTENDING THIS COOPERATION BEYOND THE PRESENT AGREEMENT. UNQUOTE

5. RECIPROCAL PURCHASE OF COMPONENTS:

THE FOLLOWING REVISION OF ARTICLE 6(I) RESPONDS TO EUROPEAN CONCERNS TO THE EXTENT POSSIBLE WITHOUT IMPOSING AN UNACCEPTABLE BURDEN ON THE PROCUREMENT PROCEDURES OF THE U. S. SPACE TRANSPORTATION SYSTEM DEVELOPMENT EFFORT: QUOTE WHILE THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE EUROPEAN PARTNERS BELIEVE THAT THE SL CAN BE DEVELOPED WITHIN EXISTING EUROPEAN CAPABILITIES, IT IS RECOGNIZED THAT SOME COMMERCIAL PROCUREMENT OF COMPONENTS AND SERVICES IN THE UNITED STATES IS LIKELY. IN CONSIDERATION THEREOF, THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL, IN PROCUREMENT OF COMMERCIALLY AVAILABLE COMPONENTS AND SERVICES RELATED TO THE DEVELOPMENT OF THE SHUTTLE, FOLLOW THE PRINCIPLE OF GIVING FULL RECOGNITION TO ADVANTAGES OFFERED IN EUROPE IN COST, QUALITY OR AVAILABILITY. UNQUOTE

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6. COMMERCIAL USE:

THIS GOVERNMENT ACCEPTS THE EUROPEAN SUGGESTION: THE SECOND SENTENCE OF ARTICLE 7 C WOULD NOW READ: QUOTE THE ESTABLISHMENT BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA OR BY THE EUROPEAN PARTNERS OF TERMS AND CONDITIONS FOR THE COMMERCIAL USE OF SL UNITS WILL BE THE SUBJECT OF PRIOR EXCHANGE OF VIEWS LOOKING TOWARD POSSIBLE HARMONIZATION OF THE RESPECTIVE POLICIES. UNQUOTE

7. ENTRY INTO FORCE:

THIS GOVERNMENT ACCEPTS THE EUROPEAN SUGGESTION: ARTICLE 14 C WOULD NOW READ: QUOTE C. FOR THOSE EUROPEAN PARTNERS WHICH SIGN THIS AGREEMENT SUBJECT TO RATIFICATION OR APPROVAL UNDER PARAGRAPH A OR PARAGRAPH B ABOVE, THE AGREEMENT SHALL HAVE PROVISIONAL APPLICATION UPON SIGNATURE. THE AGREEMENT SHALL ENTER INTO FORCE DEFINITIVELY FOR SUCH A EUROPEAN PARTNER ON THE DATE OF THE DEPOSIT OF ITS INSTRUMENT OF RATIFICATION OR APPROVAL WITH THE DEPOSITARY GOVERNMENT. UNQUOTE

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

WITH THE ABOVE MODIFICATIONS, THE GOVERNMENT OF THE UNITED STATES OF AMERICA REQUESTS THE EUROPEAN GOVERNMENTS TO CONSIDER THAT ALL OUTSTANDING ISSUES ARE HEREBY RESOLVED AND THAT THE AGREEMENT CAN BE PROMPTLY CONCLUDED WITHOUT A FURTHER MEETING. UNQUOTE

3. IT IS OUR UNDERSTANDING THAT THE EUROPEAN CHANGES PROPOSED AND THE US ANSWERS WILL BE CONSIDERED AT THE ESRO SPACELAB PROGRAM BOARD MEETING ON JUNE 22. IT IS HOPED THAT US CONCESSIONS CONTAINED ABOVE RESOLVE ALL REMAINING ISSUES AND THAT MAY 3-4 DRAFT AGREEMENT AS CHANGED ABOVE WILL BE CONCLUDED WITHOUT ANY FURTHER

MEETINGS OR DELAY.

4. POSTS REQUESTED TO REPORT ANY REACTIONS OBSERVED REGARDING STATUS OF AGREEMENT. ROGERS

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Disposition Action: RELEASED
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Disposition Case Number: n/a
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US Department of State
EO Systematic Review
30 JUN 2005

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Secure: OPEN
Status: <DBA CORRECTED> jms 980217
Subject: POST APOLLO SPACELAB NEGOTIATIONS
TAGS: TSPA, XG
To: BERN
BONN
BRUSSELS
COPENHAGEN
LONDON
MADRID
PARIS

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